

REMARKS

In the Office Action mailed May 11, 2005, claims 1-9 are pending in this application.

Claims 1, 2 and 4-6 have been rejected, and claim 3 was objected to. Original claims 7-9 were withdrawn from consideration. The applicant requests a one-month extension of time. A check in the amount of \$120.00 is enclosed for the extension of time.

The applicant elects to pursue claims 1-6 without traverse, and the applicant has canceled original claims 7-9. The applicant intends to file a divisional application to cover the method of claims 7-9. Claims 10-15 have been added and are dependent on claims believed presently allowable.

OBJECTION

The objection has been overcome by rewriting claim 3 in independent form.

The applicant has rewritten claim 3 in independent form including all the limitations of the base claim. Claim 3 was deemed allowable because the art of record does not teach or suggest clear (i.e. transparent) claimed second polyvinyl chloride layer.

OBVIOUSNESS

Amended claims 1, 2, 4 -6 are not obvious based on U.S. Patent 4,781,976.

Claims 1, 2, 4-6 were rejected as being obvious based on U.S. Patent 4,781,976 (*Fujita*) and another patent.

This rejection should be withdrawn for claims 1, 2, 4 and 5, especially with the "non-foam"

amendment to the first layer. The examiner is correct that *Fujita* does not teach metal particles in the first PVC film layer. Also, there is no suggestion that the three layers are permeable to moisture or specifically that UV stabilizers are included in each layer, as in claim 2.

Claim 5 has been amended to the film cover of claim 1 having no more than two polymeric polyvinyl chloride film layers. *Fujita* discloses three layers including PVC.

When relying on a modification of prior art, it is incumbent upon the examiner to identify some suggestion to combine references or make the modification. *In re Jones*, 958 F.2d 347, 351 (Fed. Cir. 1992). There is no suggestion in the cited references to make the modification of the film cover as presently claimed.

Amended claim 6 is not obvious based on U.S. Patent 4,781,976 with other patents as evidence.

Claim 6 is allowable. Similar to claim 3, claim 6 should be allowed because the art of record does not teach or suggest clear (i.e. transparent) second polyvinyl chloride layer. Further, claim 6 includes a film having no more than two PVC film layers, and the first polymeric layer of in that film is translucent with the second, as noted, being clear. There is no suggestion that the three layers are permeable to moisture or specifically that UV stabilizers are included in each layer. Thus, there is no suggestion to combine these patents to arrive at the presently claimed invention.

CONCLUSION

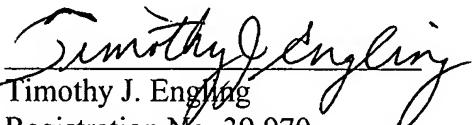
Accordingly, the claims of patent application entitled “Breathable Film Cover for Window Panes” as amended are in condition for allowance. The applicant therefore respectfully requests a

favorable reconsideration and allowance of this application. If necessary, please contact Tim Engling as noted below.

No other fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account 12-0913 with reference to our attorney docket number 921142-95722.

Respectfully submitted,

Date: September 12, 2005



Timothy J. Engling
Registration No. 39,970
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
312-214-4806 Direct Line

Enclosures: Petition for Extension of Time
Check for \$120.00
Power of Attorney for Patent Application